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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/755,889	01/13/2004	Steven G. Nadler	D0284 NP	1732	
23914. LOUIS J. WILI	7590 02/01/200 LE	EXAMINER			
BRISTOL-MYERS SQUIBB COMPANY PATENT DEPARTMENT P O BOX 4000 PRINCETON, NJ 08543-4000			MONSHIPOURI, MARYAM		
			ART UNIT	PAPER NUMBER	
			1656		
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVER	DELIVERY MODE	
3 MOI	NTHS	02/01/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

·	Application No.	Applicant(s)				
	10/755,889	NADLER ET AL.				
Office Action Summary	Examiner	Art Unit				
	Maryam Monshipouri	1656				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING Do Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from to cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on	_,	·				
2a)⊠ This action is FINAL . 2b)☐ This	action is non-final.					
3) Since this application is in condition for alloward	nce except for formal matters, pro	osecution as to the merits is				
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
Disposition of Claims						
4) ☐ Claim(s) 19 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 19 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/o						
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	epted or b) objected to by the drawing(s) be held in abeyance. Se tion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date filed 9/7/06.	4) ☐ Interview Summary Paper No(s)/Mail D 5) ☐ Notice of Informal I 6) ☑ Other <u>sea</u> . ﷺ	ate Patent Application				

Application/Control Number: 10/755,889

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Applicant's response to non-responsive notice filed 11/15/2006 is acknowledged. Applicant indicated that he/she provisionally elected to prosecute the invention drawn to a method of decreasing NFkB pathway activity through the inhibition of BCL-6 polypeptide expression (SEQ ID NO:18) even though the elected claim was drawn to a method of use of BCL6 polypeptide provided in SEQ ID NO:18. Therefore instant amended claim is drawn to the elected invention.

This argument was not entirely convincing because it is common knowledge that applicant, at the time of election, is fully aware of what the elected claim(s) is and what applicant incorporates in their remarks is a mere support of that election and at times a mere formality. However, as a matter of courtesy and in a gesture of cooperation, the examiner hereby enters applicant's amendment.

Claim 19 is pending and under examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Taylor et al. (U.S. patent No. 6,140,125 issued 10/31/2000). Taylor in column 39 discloses a DNA sequence (namely SEQ ID NO:3, referred to as human bcl-6 gene) which encodes the human BCL-6 polypeptide of this invention and has 100% identity to SEQ ID NO:18 of this invention (see the attached sequence alignment). In column 18, Taylor claims a

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method of inhibiting the expression of human bcl-6 in human cells comprising contacting said cells with antisense compounds so that the expression of human bcl-6 gene is inhibited. Since bcl-6 gene (or its expression products) and NFkB are members of the same pathway and NFkB is one of the downstream substrates of bcl gene (and/or its expression product) by inherency, inhibition of bcl-6 gene inherently decreases the activity of NFkB, anticipating this invention.

No claim is allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maryam Monshipouri whose telephone number is (571) 272-0932. The examiner can normally be reached on 7:00 a.m to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleene Kerr Bragdon can be reached on (571) 272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Maryam Monshipouri Ph.D.

Primary Examiner

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Attachment

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US-09-016-434-1337
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                                ALIGNMENTS
US-09-418-640-3
 Sequence 3, Application US/09418640 Patent No. 6140125
 GENERAL INFORMATION:
  APPLICANT: Jennifer K. Taylor
  APPLICANT: Lex M. Cowsert
  TITLE OF INVENTION: ANTISENSE MODULATION OF BCL-6 EXPRESSION
  FILE REFERENCE: RTS-0102
  CURRENT APPLICATION NUMBER: US/09/418,640
  CURRENT FILING DATE: 1999-10-15
  NUMBER OF SEQ ID NOS: 89
 SEQ ID NO 3
   LENGTH: 3536
   TYPE: DNA
   ORGANISM: Homo sapiens
   FEATURE:
   NAME/KEY: CDS
   LOCATION: (328)..(2448)
US-09-418-640-3
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Score:
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RESULT 2
US-09-814-915A-90
 Sequence 90, Application US/09814915A
 Patent No. 6750015
 GENERAL INFORMATION:
  APPLICANT: Horwitz, Kathryn
  APPLICANT:
           Richer, Jennifer
  TITLE OF INVENTION: Progesterone Receptor-Regulated Gen
                                               Expression and Methods Related
  TITLE OF INVENTION:
                   Thereto
  FILE REFERENCE: 2848-39
  CURRENT APPLICATION NUMBER: US/09/814,915A
  CURRENT FILING DATE:
                    2002-03-21
  PRIOR APPLICATION NUMBER: 60/214,870
  PRIOR FILING DATE: 2000-06-28
  NUMBER OF SEQ ID NOS: 108
SOFTWARE: PatentIn version 3.1
 SEQ ID NO 90
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   ORGANISM: Homo sapiens
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